

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

Presented and read a first time

(Industry, Science and Technology)

PATENTS AMENDMENT BILL 1995

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Section

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3. Amendment of the *Patents Act 1990*

SCHEDULE

AMENDMENTS OF THE PATENTS ACT 1990

1. The first part of the document is a letter from the President of the United States to the Congress.

2. The second part is a report from the Secretary of the Treasury on the state of the Union.

3. The third part is a report from the Secretary of the Navy on the state of the Navy.

4. The fourth part is a report from the Secretary of the War on the state of the War.

5. The fifth part is a report from the Secretary of the Interior on the state of the Interior.

6. The sixth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

7. The seventh part is a report from the Secretary of the Commerce on the state of the Commerce.

8. The eighth part is a report from the Secretary of the Education on the state of the Education.

9. The ninth part is a report from the Secretary of the Health on the state of the Health.

10. The tenth part is a report from the Secretary of the Labor on the state of the Labor.

11. The eleventh part is a report from the Secretary of the Finance on the state of the Finance.

12. The twelfth part is a report from the Secretary of the Justice on the state of the Justice.

13. The thirteenth part is a report from the Secretary of the State on the state of the State.

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25. The twenty-fifth part is a report from the Secretary of the War on the state of the War.

26. The twenty-sixth part is a report from the Secretary of the Navy on the state of the Navy.

27. The twenty-seventh part is a report from the Secretary of the Interior on the state of the Interior.

28. The twenty-eighth part is a report from the Secretary of the Agriculture on the state of the Agriculture.

29. The twenty-ninth part is a report from the Secretary of the Commerce on the state of the Commerce.

30. The thirtieth part is a report from the Secretary of the Education on the state of the Education.

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

Presented and read a first time

(Industry, Science and Technology)

A BILL

FOR

An Act to amend the *Patents Act 1990*

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Patents Amendment Act 1995*.

Commencement

- 5 2. This Act commences on the day on which it receives the Royal Assent.

Amendment of the *Patents Act 1990*

- 3.** The *Patents Act 1990* is amended as set out in the Schedule.
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SCHEDULE

Section 3

AMENDMENT OF THE PATENTS ACT 1990

1. Section 59:

Add at the end:

“(2) Regulations made for the purposes of this section may provide for the dismissal of an opposition by the Commissioner in accordance with the regulations. If the regulations so provide, they must also provide for a review of, or an appeal against, the Commissioner’s decision.”.

2. Paragraph 88(2)(b):

Omit “or 48”, substitute “or 47”.

3. Subsection 98(1):

Omit “immediately”.

4. Subsection 98(2):

After “available” insert “only”.

5. Subsection 99(2):

Add at the end “or 107”.

6. Section 111:

Repeal the section.

7. Subsection 114(2):

After “use of the invention” insert “(as described in the complete specification as filed)”.

8. Paragraph 142(4)(a):

Omit the paragraph.

9. Section 204:

Omit “section 21”, substitute “section 15B”.

10. Paragraph 228(2)(d):

Omit the paragraph.

11. After subsection 234(3):

Insert:

“(3A) In subsection (3), *this Act* does not include the regulations.

Note: Subsection (3A) is a response to comments made by the Administrative Appeals Tribunal in *Re Franke and Commissioner of Patents* (1993) 29 ALD 801.”.

SCHEDULE—continued**12. Schedule 1 (definition of *supply*):**

Omit the definition, substitute:

“*supply* includes:

- (a) supply by way of sale, exchange, lease, hire or hire-purchase; and
- (b) offer to supply (including supply by way of sale, exchange, lease, hire or hire-purchase).”.



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